

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

In re the matter of

PINA ESPARZA,

Debtor.

BK NO.: 15-05109

CHAPTER 13

JUDGE PAMELA S. HOLLIS

NOTICE OF MOTION

TO:

Pina Esparza  
5400 W. Schubert Ave.  
Chicago, IL 60639  
**BY U.S. MAIL**

Co-Debtor:  
Juan Esparza  
5400 W. Schubert Ave.  
Chicago, IL 60639  
**BY U.S. MAIL**

Michael Oreluk, Attorney for Debtor  
Marilyn O. Marshall, Chapter 13 Trustee

**BY ELECTRONIC TRANSMISSION**  
**BY ELECTRONIC TRANSMISSION**

PLEASE TAKE NOTICE that on May 11, 2016, at 9:30 a.m., or as soon thereafter as Counsel may be heard, we shall appear before the Honorable PAMELA S. HOLLIS, Bankruptcy Judge, at 219 South Dearborn Street, Courtroom #644, Chicago, Illinois, and then and there present the attached Motion to Motion to Modify the Automatic Stay and Co-Debtor Stay, a copy of which is hereby served upon you.

PROOF OF SERVICE

I, the undersigned attorney, certify that I served a copy of this Notice with Motion to Modify the Automatic Stay and Co-Debtor Stay attached, upon the parties listed above, by the methods specified, from 2056 Ridge Road, Homewood, Illinois 60430 before the hour of 5:00 P.M. on the 27<sup>th</sup> day of April, 2016.

BY: /s/ Terri M. Long  
TERRI M. LONG

LAW OFFICES OF TERRI M. LONG

2056 Ridge Road

Homewood, Illinois 60430

Phone: (708) 922-3301

Fax: : (708) 922-3302

Atty. for SPECIALIZED LOAN SERVICING LLC, AS SERVICING AGENT FOR FV-I, INC. IN TRUST FOR MORGAN STANLEY MORTGAGE CAPITAL HOLDINGS LLC, its Successors and/or Assigns

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MOTION TO MODIFY THE AUTOMATIC STAY AND CO-DEBTOR STAY

Now comes SPECIALIZED LOAN SERVICING LLC, AS SERVICING AGENT FOR FV-I, INC. IN TRUST FOR MORGAN STANLEY MORTGAGE CAPITAL HOLDINGS LLC, its successors and/or assigns, (hereinafter referred to as "Movant"), a creditor herein, by TERRI M. LONG, its attorney, and moves this Honorable Court for entry of an Order modifying the restraining provisions of §§362 and 1301 of the Bankruptcy Code, and in support thereof respectfully represents as follows:

1. On February 17, 2015, the Debtor herein filed a petition for relief under Chapter 13 of the Bankruptcy Code.
2. Movant is a creditor of the Debtor with respect to a certain mortgage upon real estate, with a common address of 5400 W Schubert Ave, Chicago, IL 60639. As of April 4, 2016, the unpaid principal balance was \$402,816.83.
3. The Debtor has not offered, and Movant is not receiving, adequate protection for its secured interest or depreciating value.
4. Movant will suffer irreparable injury, harm and damage should it be delayed in foreclosing its security interest therein.
5. According to the Debtor's confirmed plan, the Debtor intends to surrender this property to creditor.

6. An individual by the name of Juan Esparza is currently protected by the §1301 co-debtor stay.

7. SPECIALIZED LOAN SERVICING LLC services the loan on the Property referenced in this motion. In the event the automatic stay in this case is modified, this case dismisses, and/or the Debtor obtains a discharge and a foreclosure action is commenced on the mortgaged property, the foreclosure will be conducted in the name of Movant or Movant's successor or assignee. Movant, directly or through an agent, has possession of the Note. The Note is either made payable to Movant or has been duly endorsed. Movant is the original mortgagee or beneficiary or the assignee of the Mortgage.

8. Movant requests that Bankruptcy Rule 4001(a)(3) not apply to any Order granting this motion.

WHEREFORE, SPECIALIZED LOAN SERVICING LLC, AS SERVICING AGENT FOR FV-I, INC. IN TRUST FOR MORGAN STANLEY MORTGAGE CAPITAL HOLDINGS LLC, its successors and/or assigns, prays that this Honorable Court enter an Order modifying the restraining provisions of §§362 and 1301 of the Bankruptcy Code to permit the said Movant to foreclose its security interest in certain real estate, with a common address of 5400 W. Schubert Ave, Chicago, IL 60639, and for such other and further relief as this Court may deem just.

SPECIALIZED LOAN SERVICING LLC, AS  
SERVICING AGENT FOR FV-I, INC. IN  
TRUST FOR MORGAN STANLEY  
MORTGAGE CAPITAL HOLDINGS LLC,  
its Successors and/or Assigns

BY: /s/ Terri M. Long  
TERRI M. LONG

LAW OFFICES OF TERRI M. LONG  
2056 Ridge Road  
Homewood, Illinois 60430

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